

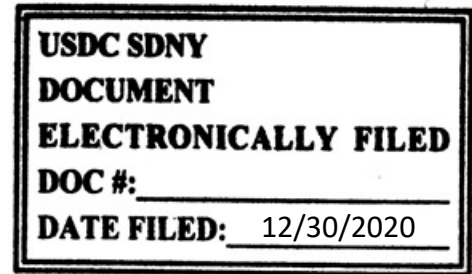
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December 29, 2020

**Via Electronic Filing**

The Honorable Stewart D. Aaron  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
Courtroom 21A  
New York, NY 10007-1312

ENDORSEMENT: Request GRANTED. No further extensions will be granted unless good cause shown, and then only for limited purpose.  
SO ORDERED.

Dated: December 30, 2020

A handwritten signature in blue ink, appearing to be "Att C A".

**Re: Rochez, et ano. v. BJ's Wholesale Club Inc.  
1:20-cv-03066-SDA**

Dear Magistrate Judge Aaron:

Our office represents the defendant, BJ's Wholesale Club, Inc., in the above-referenced action. We submit this joint discovery letter - which has been reviewed and approved by plaintiffs' counsel - pursuant to Your Honor's initial Case Management Plan dated May 13, 2020 and the subsequent joint discovery letters submitted herein.

All parties have responded to paper discovery and there are presently no outstanding demands for documents or authorizations. One of the initially-named plaintiffs, Magdalena Rochez, was deposed on October 21, 2020. The other plaintiff's (German Rochez's) claims were voluntarily discontinued on or about November 6, 2020.

Per the Court's last so-ordered scheduling letter, the deposition of a witness from BJ's was to be conducted by December 18, 2020. In attempting to schedule the deposition of Luis Diaz - the BJ's employee who allegedly struck the plaintiff with a shopping cart - we were informed by our client that Mr. Diaz no longer worked for BJ's as of December 6, 2020. We sent two letters to Mr. Diaz to see whether he would be willing to appear for a deposition in this matter but have received no response to date. On December 22, 2020, our office advised plaintiff's counsel that Mr. Diaz was no longer employed by BJ's and provided his last known address. In turn, plaintiff's counsel served a subpoena upon Mr. Diaz in order to schedule his non-party deposition to be held on January 19, 2021.

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In light of Mr. Diaz's unexpected departure from BJ's, the presently-undetermined status of Mr. Diaz's January 19, 2021 non-party deposition, and now the need to locate and produce another competent witness from BJ's to testify concerning cart retrieval procedures and the incident at issue, the parties mutually concede that fact discovery may not be able to be completed by the current deadline of February 24, 2021. Accordingly, the parties mutually and respectfully request that all discovery deadlines, including the expert discovery deadline and our prospective trial-readiness date, be moved back three (3) months and that a new discovery schedule be issued as follows:

- Expert Discovery due by April 23, 2021
- Fact Discovery due by May 24, 2021
- All Discovery due by May 24, 2021
- Prospective Trial Readiness date – October 25, 2021

We thank Your Honor for your time and consideration of the instant matter.

Respectfully submitted,

**MORRISON MAHONEY LLP**

*Demi Sophocleous*

Demi Sophocleous

*Robert E. Brann*

Robert E. Brann

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